

UNITED STATES DISTRICT
COURT EASTERN
DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KAREN FRANKLIN, *Personal
Representative of the Estate of Keith
Franklin,*

Plaintiff,

v.

JANAK R. BHAVSAR,

Defendant.

Case No. 16-13587
Honorable Laurie J. Michelson
Magistrate Judge David R. Grand

ORDER SETTING DEADLINE FOR RESOLUTION OF CASE

Keith Franklin died of cancer while in custody with the Michigan Department of Corrections. Keith's mother, Karen Franklin, brought suit under 42 U.S.C. § 1983 alleging the Defendants' deliberate indifference to a cancerous mass in Keith's neck and ensuing failure to timely treat the cancer violated Keith's Eighth Amendment rights. Following settlement agreements and summary judgment, Dr. Janak Bhavsar is the sole defendant proceeding to trial.

The trial, however, has been significantly delayed due to unsuccessful settlement efforts and the coronavirus pandemic. But civil jury trials have resumed, and this case has priority. In recent status conferences to discuss final resolution, the parties advised that they have been engaged in negotiations for binding arbitration in lieu of a trial. No final agreement has yet been reached.

Thus, considering the age and posture of the case and the arrangements that

still need to be made to resolve it, IT IS HEREBY ORDERED that, no later than **May 16, 2022**, the parties are to advise the Court, in writing, whether they agree to binding arbitration. In the absence of a proposed stipulated order for binding arbitration by that date, the Court will set a firm jury trial date. In either event, the Court will also schedule an in-person settlement conference.

IT IS SO ORDERED.

Dated: April 26, 2022

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE